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Randy W. Goldberg

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DISTRICT

UNITED STATES OF AMERICA,
Plaintiff,
v.
RANDY W. GOLDBERG,
Defendant.

Case No. CR-07-00788-JF-7
The Hon. Jeremy Fogel

**EX PARTE APPLICATION FOR
WAIVER OF DEFENDANT'S
PERSONAL APPEARANCE**

The Defendant, Randy W. Goldberg, by and through his attorney, Ryan Roman (*pro hac vice* being prepared),¹ hereby applies to this Court for an Order under F.R.Cr.P. 43(c) waiving his personal appearance at the status hearing on

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¹ Counsel for Mr. Goldberg, Steven E. Chaykin, passed away unexpectedly on July 30, 2008 in a tragic hiking accident. Undersigned counsel is preparing the paperwork for admission *pro hac vice* in the Northern District of California at this time.

1 August 13, 2008. Please find a proposed Order attached.
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4 Respectfully submitted,

5 **AKERMAN SENTERFITT**

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18 Michael S. Simon, Esq.

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PROOF OF SERVICE BY E-MAIL OR ELECTRONIC TRANSMISSION

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

I am employed in the County of Miami-Dade, State of Florida; I am over the age of 18 years and not a party to this action. My business address is One S.E. 3rd Avenue, 25th Floor, Miami, Florida 33131-1714.

On August 12, 2008, I served the following document described as:

EX PARTE APPLICATION FOR WAIVER OF PERSONAL APPEARANCE

Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses (or fax numbers, if email not provided) listed below:

Jeffrey David Nedrow, Esq., USAO Lead Attorney for Plaintiff jeff.nedrow@usdoj.gov	Edwin Ken Prather, Esq. Lead Attorney for Asaf Nass, Defendant eprather@clarencedyer.com
Garrick Sherman Lew, Esq. Lead Attorney for Limor Gefen gsl@defendergroup.com	Ronald Gainor, Esq. Lead Attorney/ <i>Pro Hac Vice</i> for Brandi C. Aycock gains_2000@hotmail.com
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Michael D. Orenstein, Esq. Lead Attorney to Matthew D. Sandomir Phone: 954-963-0100; 954-963-2227	Hugh Anthony Levine, Esq. Lead Attorney to Stuart H. Sheinfeld halesq@ix.netcom.com
Michael J. Sacks, Esq. Lead Attorney to Carol Haeussler Phone: 954-575-8691; Fax: 954-575-8041	Lara Suzanne Vinnard, Esq. Federal Public Defender Lead Attorney to Christopher A. Sariol lara_vinnard@fd.org
Vicki H. Young, Esq. Lead Attorney to Eduardo A. Subirats vickihyoung@yahoo.com	

I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 12, 2008, in Miami-Dade County, Florida.

s/ Ryan Roman